

1 AN ACT Relating to clarifying eligibility for school employees'  
2 benefits board coverage; adding new sections to chapter 41.05 RCW;  
3 creating a new section; and providing an effective date.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 NEW SECTION. **Sec. 1.** A new section is added to chapter 41.05  
6 RCW to read as follows:

7 (1) The office of the superintendent of public instruction, in  
8 collaboration with the health care authority, must analyze the impact  
9 of school employees' benefits board benefits for substitutes and for  
10 school district employees hired specifically for extracurricular  
11 programs.

12 (2) By November 1, 2020, school districts shall report the  
13 following information to the office of the superintendent of public  
14 instruction in a common format required by the office of the  
15 superintendent of public instruction:

16 (a) Total unduplicated headcount of all employees in the school  
17 district for the 2018-19 and 2019-20 school years and the total  
18 unduplicated headcount of employees who worked six hundred thirty  
19 hours or more or who met the standard for school employees' benefits  
20 board benefits based on the midyear hire eligibility rules. Employees

1 should be reported in groups of certificated and classified  
2 employees.

3 (b) Total unduplicated headcount of substitutes who worked in the  
4 school district during the 2018-19 and 2019-20 school years. The  
5 school districts must group their report by the number of substitutes  
6 by major job categories, such as substitute teacher, substitute  
7 educational staff associate, substitute paraprofessional, substitute  
8 bus driver, substitute principal, substitute vice principal, and any  
9 other major job categories of substitutes determined by the office of  
10 the superintendent of public instruction. The report must indicate  
11 how many substitutes, by job category, worked six hundred thirty  
12 hours or more in the school districts as only substitutes, those who  
13 worked six hundred thirty hours or more in a school district through  
14 a combination of regular school employment and substitute hours, and  
15 those who did not work six hundred thirty hours or meet other school  
16 employees' benefits board eligibility requirements.

17 (c) Total unduplicated headcount of coaches who worked in the  
18 school district during the 2018-19 and 2019-20 school years. The  
19 school districts must indicate how many coaches worked six hundred  
20 thirty hours or more in the school district only in support of those  
21 programs, those who worked six hundred thirty hours or more in a  
22 school district through a combination of regular school employment  
23 and in support of extra curricula programs, and those who did not  
24 work six hundred thirty hours or meet other school employees'  
25 benefits board eligibility requirements.

26 (d) School districts may identify and provide data related to  
27 other categories of extracurricular staff where the school district  
28 has experienced growing costs from benefit eligibility changes.

29 (e) The office of the superintendent of public instruction may  
30 request data from school districts to clarify the amount of funding  
31 school districts provided for employee health care benefits for  
32 substitutes, coaches, and other extracurricular staff categories that  
33 have been identified by school districts in the 2018-19 school year  
34 including descriptions of how eligibility was determined and how the  
35 funding per individual was determined.

36 (3) By November 1, 2021, the same data as required in subsection  
37 (2) of this section must be reported by school districts to the  
38 office of the superintendent of public instruction for the 2020-21  
39 school year.

1 (4) (a) The office of the superintendent of public instruction and  
2 the health care authority shall convene a work group that includes  
3 (i) exclusive bargaining representatives of classified employees,  
4 certificated instructional staff, substitutes, coaches, and others  
5 who support extra curricula programs; and (ii) representatives of  
6 school principals, school business officials, school administrators,  
7 and school directors.

8 (b) The work group must review the data and develop  
9 recommendations on how to meet local school funding needs to support  
10 employee benefits for those who meet school employees' benefits board  
11 eligibility requirements. The recommendations must include options to  
12 provide school districts funding for health care costs for substitute  
13 employees.

14 (5) The office of the superintendent of public instruction shall  
15 submit a preliminary report summarizing the 2018-19 and 2019-20  
16 school year data to the fiscal committees of the legislature by  
17 December 15, 2020.

18 (6) The office of the superintendent of public instruction shall  
19 submit a final report that includes data from the 2020-21 school year  
20 and recommendations from the work group to the fiscal committees of  
21 the legislature by December 15, 2021.

22 NEW SECTION. **Sec. 2.** A new section is added to chapter 41.05  
23 RCW to read as follows:

24 Retired school employees who are receiving health insurance  
25 benefits through the public employees' benefits board's retirement  
26 program for retirees and who are receiving medicare benefits on the  
27 date of their return to school employment are not eligible for  
28 benefits through the school employees' benefits board. However, if  
29 these retired school employees would otherwise be eligible for a  
30 school employees' benefits board program, school districts shall  
31 provide these school employees a stipend in addition to all other  
32 regular compensation that provides the retiree with an amount  
33 equivalent to cover the higher cost of public employees' benefits  
34 board retiree premiums compared to premiums for similar benefit plans  
35 offered through the school employees' benefits board. The health care  
36 authority shall identify equivalent benefit plans and incremental  
37 costs that must be used by school districts when calculating these  
38 stipends. In the case that the stipend would exceed the employer  
39 contribution rate for school employees' benefits board eligibility,

1 the school district has the option to make the employee eligible for  
2 school employees' benefits board plans in lieu of a stipend.

3 NEW SECTION. **Sec. 3.** A new section is added to chapter 41.05  
4 RCW to read as follows:

5 Beginning with the 2022 plan year, individuals are limited to a  
6 single enrollment in medical, dental, and vision plans among school  
7 employees' benefits board and public employees' benefits board plans.  
8 However, individuals may be enrolled in both public employees'  
9 benefits board and school employees' benefits board plans as long as  
10 those enrollments are across different types of plans, such as  
11 medical, dental, and vision. The school employees' benefits board  
12 and the public employees' benefits board shall adopt policies to  
13 reflect this single enrollment requirement.

14 NEW SECTION. **Sec. 4.** Section 2 of this act applies to school  
15 employee benefits beginning on or after September 1, 2021.

16 NEW SECTION. **Sec. 5.** Section 2 of this act takes effect July 1,  
17 2021.

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